

S.R. 155 - by Snelson: Extending congratulations to W. K. "Bill" Ramsey.

S.R. 156 - by Snelson: Extending congratulations to E. F. (Trip) Triplett.

S.R. 157 - by Clower: Extending welcome to H. Grady Spruce High School Government Students of Pleasant Grove.

ADJOURNMENT

On motion of Senator Aikin the Senate at 12:12 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

SEVENTEENTH DAY

(Thursday, February 10, 1977)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Absent-excused: Adams.

A quorum was announced present.

Dr. Ray Chester, Brentwood Church of Christ, Austin, offered the invocation as follows:

Almighty God, as we unite in prayer for Thy blessings upon the members of this body, we know that Thou art lovingly concerned with each one. Bless the Senators with good health and the good sense to preserve it. Bless their families. May no anxiety or concern keep any of them from doing their best work as they conduct the people's business. Help all of us to make wise choices and proper use of our time.

We acknowledge a preference for quick and easy answers. We like our instant coffee, instant credit, instant news, and inwardly we pine for instant resolution of all the ills that plague our world.

Help us O God to learn from Thee, who art never in a hurry, yet never late. Bless us with Thy poise, Thy persistence, and Thy peace. Through Jesus Christ Our Lord. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator Adams was granted leave of absence for today on account of important business on motion of Senator Jones of Taylor.

CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 36

On motion of Senator Aikin and by unanimous consent, Senator Braecklein will be shown as Co-author of S.C.R. 36.

CO-AUTHORS OF SENATE BILL 173

On motion of Senator Clower and by unanimous consent, Senators Mengden and Williams will be shown as Co-authors of S.B. 173.

CO-AUTHOR OF SENATE BILL 515

On motion of Senator Patman and by unanimous consent, Senator Andujar will be shown as Co-author of S.B. 515.

REPORTS OF STANDING COMMITTEES

Senator Sherman submitted the following report for the Committee on Natural Resources:

C.S.S.C.R. 33 (Read first time)
S.B. 222 (Amended)
S.B. 286
S.B. 287
S.B. 288
S.B. 289
S.B. 290
S.B. 291
S.B. 293
S.B. 295
S.B. 296
S.B. 297
S.B. 298
S.B. 299
S.B. 300
S.B. 301
S.B. 302
S.B. 303 (Amended)

Senator Snelson submitted the following report for the Committee on Intergovernmental Relations:

S.B. 362
S.B. 406

Senator Moore submitted the following report for the Committee on State Affairs:

S.B. 456
S.C.R. 36

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

S.B. 549 by Moore State Affairs
Amending Section 15, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941, as amended (Article 6687b, Vernon's Texas Civil Statutes), to dedicate all fees and charges for the maintenance and support of the Texas Department of Public Safety; and declaring an emergency.

S.B. 550 by Moore State Affairs
Relating to an increase in monthly benefits payable by the Teacher Retirement System to certain annuitants; creating a new benefit reserve account to hold funds for post-retirement benefit adjustments allowed after January 31, 1975; providing for the accrual of interest on benefit reserve account assets; authorizing an appropriation to fund the increase in monthly benefits; conditioning such increase on that appropriation; and declaring an emergency.

S.B. 551 by Brooks Education
Relating to the eligibility of medical students for student loans; adding Subsection (c) to Section 52.32, Texas Education Code.

S.B. 552 by Farabee Intergovernmental Relations
Relating to the creation, establishment, administration, maintenance, operation, and financing of Shackelford County Hospital District of Shackelford County, Texas, by authority of Article IX, Section 9, of the Texas Constitution.

S.B. 553 by Farabee Intergovernmental Relations
Relating to the office of bailiff of the 30th, 78th and 89th District Courts.

S.B. 554 by Moore State Affairs
Relating to prohibiting a person from working for a state bank for five years after serving as a bank examiner; providing a penalty; amending Subchapter IV, Texas Banking Code of 1943, as amended (Articles 342-401, et seq., Vernon's Texas Civil Statutes), by adding Article 18.

S.B. 555 by Truan Human Resources
Relating to consolidation of the State Department of Public Welfare, the Texas Youth Council, and the Governor's Committee on Aging.

S.B. 556 by Traeger State Affairs
Relating to certain local option elections; amending Article I, Texas Liquor Control Act, as amended (Article 666-1, et seq., Vernon's Texas Penal Code), by adding Section 32a; and declaring an emergency.

S.B. 557 by Braecklein Economic Development
Authorizing a limited partner to take part in the control of the partnership business without being liable for the partnership obligations; amending Section 8, The Texas Uniform Limited Partnership Act (Article 6132a, Vernon's Texas Civil Statutes); and declaring an emergency.

S.B. 558 by Mengden

Education

Relating to adding a position to and increasing the salaries under the Texas Public Education Compensation Plan; amending Section 16.056, Texas Education Code, as amended, by adding Subsections (e) and (f).

S.B. 559 by Mengden

State Affairs

Relating to the teacher retirement system; providing for the security of the system's assets, increasing the permissible number of days a retired member may be employed as a substitute employee, and increasing the benefits payable to retired members or beneficiaries; amending Subsections (a) and (d) of Section 3.37, Texas Education Code, as amended, and adding Subsection (f) to Section 3.01 and Subsection (g) to Section 3.38.

S.B. 560 by Jones of Taylor

Education

Relating to public school education; amending various provisions of the Texas Education Code, as amended, as follows: amending Section 16.003, relating to the operation of kindergarten programs; amending Sections 16.055 and 16.056, relating to the compensation of certain school district personnel; adding Section 16.057, relating to school district personnel policies; amending Sections 16.101, 16.102, 16.103, and 16.104, and adding Section 16.105, relating to allocation formulas for personnel under the Foundation School Program; amending Sections 16.151, 16.176, 16.177(c), and 16.206, relating to allocation formulas for operating expenses, categorical program aid, and transportation under the Foundation School Program; amending Section 16.252, relating to a school district's share of the cost of the Foundation School Program; amending Sections 16.301, 16.302, and 16.303, relating to equalization aid for school districts; adding Subchapter D to Chapter 20, relating to tax assessment practices of school districts; repealing Sections 16.161, 16.63, 16.254(d), 16.256, and 16.304(b).

S.B. 561 by Jones of Taylor

Intergovernmental Relations

Relating to county law libraries; amending Sections 2 and 4, Chapter 429, Acts of the 52nd Legislature, 1951 (Article 1702h, Vernon's Texas Civil Statutes); repealing Articles 1697 through 1702, Revised Civil Statutes of Texas, 1925; Chapter 192, Acts of the 48th Legislature, 1943, as amended (Article 1702a-1, Vernon's Texas Civil Statutes; Chapter 303, Acts of the 45th Legislature, Regular Session, 1937 (Article 1702b); Chapter 3, page 614, Special Laws, Acts of the 46th Legislature, 1939 (Article 1702b-1); Chapter 2, page 612, Special Laws, Acts of the 46th Legislature, 1939 (Article 1702b-2); Chapter 173, Acts of the 49th Legislature, 1945, as amended (Article 1702b-3); Chapter 174, Acts of the 49th Legislature, 1945 (Article 1702b-4); Chapter 275, Acts of the 50th Legislature, 1947 (Article 1702b-5); Chapter 1, page 611, Special Laws, Acts of the 46th Legislature, 1939 (Article 1702c); Chapter 589, Acts of the 47th Legislature, Regular Session, 1941 (Article 1702d); Chapter 58, Acts of the 51st Legislature, Regular Session, 1949 (Article 1702e); Chapter 161, Acts of the 51st Legislature, Regular Session, 1949 (Article 1702f); Chapter 413, Acts of the 51st Legislature, Regular Session, 1949 (Article 1702g); Chapter 416, Acts of the 53rd Legislature, Regular Session, 1953 (Article 1702i); and Chapter 394, Acts of the 62nd Legislature, Regular Session, 1971, as amended (Article 1702j).

S.C.R. 37 by Ogg

Administration

Granting Mrs. Burnett Brown permission to sue the State of Texas.

S.C.R. 38 by Santiesteban

Administration

Authorizing the Texas Roll of Patriots of the American Revolution be displayed in the rotunda of the State Capitol from March 21 through 31, 1977.

S.J.R. 42 by Harris

Jurisprudence

Proposing amendments to Article V, Sections 16 and 19, of the Texas Constitution, to expand the jurisdiction of justices of the peace to include civil cases where the amount in controversy is \$500 or less.

MESSAGE FROM THE HOUSE

House Chamber
February 10, 1977

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 3, A bill to be entitled An Act relating to the allocation and use of revenue received from motor vehicle sales and use taxes and sales and use taxes on lubricating oils used in vehicles on the public roadways and on parts, accessories, and tires for motor vehicles designed for use on public roads; amending Articles 6.07 and 20.13, Title 122A, Taxation—General, Revised Civil Statutes of Texas, 1925, as amended, and Section 5, Chapter 186, General Laws, Acts of the 39th Legislature, Regular Session, 1925 (Article 6674e, Vernon's Texas Civil Statutes).

S.B. 359, Relating to the creation, establishment, administration, maintenance, operation, and financing of the Refugio County Memorial Hospital District of Refugio County, Texas, under Article IX, Section 9, of the Texas Constitution, as amended.

Respectfully submitted,
BETTY MURRAY, Chief Clerk
House of Representatives

SENATE RESOLUTION 160

Senator Traeger offered the following resolution:

WHEREAS, The arrival in Washington next week of President Jose Lopez Portillo for a visit with President Carter is of particular interest to the citizens of Texas, many of whom had their origins in Mexico and all of whom enjoy the unique privileges offered by the longest international boundary with our neighbor to the south; and

WHEREAS, The State of Texas and the Republic of Mexico have, perhaps, more common interests and mutual problems than even those of contiguous states in the United States; these include economic considerations, health concerns, transportation facilities, tourism, agricultural development, and, of great significance at present, activities involving arms smuggling and narcotics traffic; and

WHEREAS, Only recently, the devaluation of the peso in Mexico resulted in severe economic recession not only in that country but also in Texas border cities; further, limitations on work permits for braceros have caused hardship for Mexican nationals seeking honest employment in Texas and for citrus and other agricultural producers in this state; and

WHEREAS, Cooperative effort between Texas and Mexican states has proved of mutual advantage in many situations, including the successful screwworm eradication program initiated some years ago and still in progress; other health and safety programs for the benefit of those on both the Mexican and American sides of the Rio Grande have been instituted and carried out through the goodwill that has long existed between Texas and her Mexican neighbors; and

WHEREAS, Awaiting ratification at the national level at this time is a treaty which would permit Americans jailed in Mexico and Mexicans held in the United States to finish their sentences in their homelands; and

WHEREAS, It is essential that the State of Texas be represented when these and other matters of common interest are discussed during President Lopez Portillo's visit with President Carter; now, therefore, be it

RESOLVED, That the Senate of the 65th Legislature of the State of Texas, by this resolution, request the Lieutenant Governor of the State of Texas to appoint a representative from the Texas Senate to travel to Washington and be present when President Jose Lopez Portillo visits the President of the United States; and, be it further

RESOLVED, That this official representative of the Texas Senate be directed to extend greetings of Texas citizens to President Lopez Portillo and to discuss with him the many problems of great concern both to the people of Texas and the citizens of Mexico as an expression of a real desire for cooperative effort in arriving at amicable solutions.

The resolution was read and was adopted.

COMMUNICATION FROM LEGISLATIVE AUDIT COMMITTEE

The following Communication from the Legislative Audit Committee was read and was referred to the Committee on State Affairs, Sub-Committee on Nominations:

Austin, Texas
February 8, 1977

To the Senate of the Sixty-fifth Legislature,
Regular Session:

We ask the advice, consent and confirmation of the Senate with respect to the appointment by this Committee of George W. McNiel of Austin, Travis County, to be State Auditor of Texas for the term expiring February 15, 1979.

Such appointment on this date is hereby certified under the provisions of Senate Bill No. 27 as passed by the Forty-eighth Legislature.

Respectfully submitted,
LEGISLATIVE AUDIT

COMMITTEE

Attest:

William P. Hobby
Lieutenant Governor

Bill Clayton
Speaker of the House
of Representatives

A. M. Aikin, Jr.
Chairman of the Senate
Committee on Finance

Bill Presnal
Chairman of the House
Committee on Appropriations

William T. Moore
Chairman of the Senate
Committee on State Affairs

Joe Wyatt, Jr.
Chairman of the House
Committee on Ways and Means

COMMUNICATION FROM THE STATE BAR OF TEXAS

The following Communication from the State Bar of Texas was read and was referred to the Committee on State Affairs, Sub-Committee on Nominations:

February 9, 1977

To the Senate of the Sixty-fifth Legislature:

You are hereby advised that, as directed in Section 1-a of Article V of the Constitution of the State of Texas, the Board of Directors of the State Bar of Texas at a regular meeting held April 23, 1976, duly appointed the following qualified member of the State Bar of Texas as a member of the State Judicial Qualifications Commission:

O. J. Weber, Jr.
1400 San Jacinto Building
Beaumont, Texas 77701

We are submitting Mr. Weber's appointment to you for the required action in securing formal confirmation of the appointment.

Sincerely,

H. C. Pittman

COMMITTEE SUBSTITUTE SENATE CONCURRENT RESOLUTION 33 ORDERED NOT PRINTED

On motion of Senator Hance and by unanimous consent, C.S.S.C.R. 33 was ordered not printed.

COMMITTEE SUBSTITUTE SENATE CONCURRENT RESOLUTION 33 ON SECOND READING

On motion of Senator Hance and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time:

C.S.S.C.R. 33, Establishing a state policy that heating and cooling unit thermostats be set at a level of maximum energy conservation in all state buildings.

The resolution was read and was adopted.

RECORD OF VOTE

Senator Aikin asked to be recorded as voting "Nay" on the adoption of the resolution.

COMMITTEE SUBSTITUTE SENATE BILL 391 ON SECOND READING

Senator Hance asked unanimous consent to suspend the regular order of business and Section 5 of Article III of the State Constitution to take up for consideration at this time:

C.S.S.B. 391, Relating to certain medical malpractice protection provided by The University of Texas System.

There was objection.

Senator Hance then moved to suspend the regular order of business and Section 5 of Article III of the State Constitution and take up **C.S.S.B. 391** for consideration at this time.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Mauzy.

Absent-excused: Adams.

The President then laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time.

Senator Moore offered the following amendment to the bill:

Amend **C.S.S.B. No. 391** by striking all below the enacting clause and substituting the following:

Section 1. **PURPOSE.** It is the purpose of this Act to promote the health and general welfare of the people of the State of Texas by authorizing the Board of Regents of The University of Texas System and the Board of Regents of The Texas A & M University System to provide, as additional compensation and to ensure a proper learning environment, medical malpractice coverage for its medical staff and students as defined in this Act by purchasing insurance or establishing as self-insurance a Medical Professional Liability Fund from which medical malpractice claims and the costs of defending and administering those claims may be satisfied, and such purposes are hereby declared to be in the public interest.

Sec. 2. **DEFINITIONS.** In this Act:

(1) "Medical staff or students" means medical doctors, doctors of osteopathy, dentists, and podiatrists employed full time by The University of Texas System or The Texas A & M University System; and interns, residents, fellows, and medical or dental students participating in a patient-care program in The University of Texas System or The Texas A & M University System.

(2) "Medical malpractice claim" means a cause of action for treatment, lack of treatment, or other claimed departure from accepted standards of care which proximately results in injury to or death of the patient, whether the patient's claim or cause of action or the executor's claim or cause of action under Article 5525, Revised Civil Statutes of Texas, 1925, as amended, sounds in tort or contract.

(3) "Board" means the Board of Regents of The University of Texas System or the Board of Regents of The Texas A & M University System.

(4) "Fund" means the Medical Professional Liability Fund as established in Section 3 of this Act.

Sec. 3. MEDICAL PROFESSIONAL LIABILITY FUND. (a) Each board is authorized to establish a separate self-insurance fund to pay any damages, adjudged in a court of competent jurisdiction, or a settlement of any medical malpractice claim against a member of the medical staff or students arising from the exercise of his employment, duties, or training with The University of Texas System or The Texas A & M University System.

(b) The boards are authorized to pay from the funds all expenses incurred in the investigation, settlement, defense, or payment of claims described above on behalf of the medical staff or students.

(c) On the establishment of each fund, transfers to the fund shall be made in an amount and at such intervals as determined by the board. Each board is authorized to receive and accept any gifts or donations specified for the purposes of this Act and to deposit such gifts or donations into the fund. Each board may invest money deposited in the fund, and any income received shall be retained in the fund. Such money shall be deposited in any of the approved depository banks of The University of Texas System or The Texas A & M University System. All expenditures from the funds shall be paid pursuant to approval by the boards.

Sec. 4. RULES. Each board is authorized to adopt such rules for the establishment and administration of the fund and the negotiation, settlement, and payment of claims as may be necessary in the furtherance of this Act. Each board is authorized to establish by rule reasonable limits on the amount of claims to be paid from the fund or to be provided in purchased insurance.

Sec. 5. PURCHASE OF INSURANCE. Each board is authorized to purchase medical malpractice insurance from an insurance company authorized to do business in the State of Texas as it deems necessary to carry out the purpose of this Act.

Sec. 6. LEGAL COUNSEL. Each board is authorized to employ private legal counsel to represent the medical staff and students covered by this Act pursuant to the rules of the board.

Sec. 7. LIMITATION ON APPROPRIATED FUNDS. No funds appropriated by the legislature to either system from the General Revenue Fund may be used to establish or maintain the fund, to purchase insurance, or to employ private legal counsel.

Sec. 8. EXEMPTION FROM INSURANCE CODE; REPORT. The establishment and administration of each fund under the authority of this Act and the rules of the boards shall not constitute the business of insurance as defined and regulated in the Insurance Code, as amended; provided, however, the boards of regents shall annually report to the State Board of Insurance information appropriate for carrying out the functions of the State Board of Insurance.

Sec. 9. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read and was adopted.

RECORD OF VOTE

Senator Mauzy asked to be recorded as voting "Nay" on the adoption of the amendment.

Senator Moore offered the following amendment to the bill:

Amend **C.S.S.B. No. 391** by striking all above the enacting clause and substituting the following:

A BILL TO BE ENTITLED

AN ACT

relating to certain medical malpractice protection provided by The University of Texas System and The Texas A & M University System.

The amendment was read and was adopted.

The bill as amended was passed to engrossment.

RECORD OF VOTE

Senator Mauzy asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 391 ON THIRD READING

Senator Hance moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 391** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Adams.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Adams.

SENATE BILL 108 ON SECOND READING

On motion of Senator Mengden and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 108, A bill to be entitled An Act relating to the recovery of costs and attorney's fees in libel and slander suits.

The bill was read second time.

Senator Mengden offered the following committee amendment to the bill:

Amend Senate Bill 108 by striking all of Section 1 and submitting the following in lieu thereof:

"Section 1. In a civil action for slander or libel, the prevailing party is entitled to recover costs, reasonable attorney's fees, and any damages to which he is entitled."

The committee amendment was read and was adopted.

RECORD OF VOTE

Senator Schwartz asked to be recorded as voting "Present-Not Voting" on the adoption of the committee amendment.

On motion of Senator Mengden and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

RECORD OF VOTE

Senator Schwartz asked to be recorded as voting "Present-Not Voting" on the passage of the bill to engrossment.

SENATE BILL 108 ON THIRD READING

Senator Mengden moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 108** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0, Present-Not Voting 1.

Present-Not Voting: Schwartz.

Absent-excused: Adams.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0, Present-Not Voting 1.

Present-Not Voting: Schwartz.

Absent-excused: Adams.

SENATE BILL 458 ON SECOND READING

On motion of Senator Moore and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 458, Relating to state expenditures for inauguration of the governor and the lieutenant governor; making an appropriation.

The bill was read second time.

Senator Moore offered the following amendment to the bill:

Amend **S.B. 458** by striking all of Sec. 2.

The amendment was read and was adopted.

On motion of Senator Moore and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 458 ON THIRD READING

Senator Moore moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 458** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Adams.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

EXECUTIVE SESSION

The President announced that the time had arrived for an Executive Session of the Senate. (Senator McKnight having given Notice on yesterday).

Senator Mauzy moved that Senate Rule 41 be suspended in order to consider nominations scheduled for today in open session.

The motion was lost by the following vote: Yeas 14, Nays 16.

Yeas: Aikin, Braecklein, Brooks, Clower, Doggett, Farahee, Jones of Harris, Longoria, Mauzy, Parker, Patman, Schwartz, Sherman, Truan.

Nays: Andujar, Creighton, Hance, Harris, Jones of Taylor, Kothmann, Lombardino, McKnight, Meier, Mengden, Moore, Ogg, Santiesteban, Snelson, Traeger, Williams.

Absent-excused: Adams.

Accordingly, the President at 11:13 o'clock a.m. directed all those not entitled to attend the Executive Session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

At the conclusion of the Executive Session, the President called the Senate to order as In Legislative Session at 11:22 o'clock a.m.

Senator McKnight moved confirmation of the nominees reported by the Committee on State Affairs, Sub-Committee on Nominations and considered in Executive Session.

The President asked if there were requests to sever nominees.

There were no requests to sever.

The following nominees were then confirmed by the following vote: Yeas 30, Nays 0.

Absent-excused: Adams.

NOMINEES CONFIRMED

To be a Member of the STATE BANKING BOARD: Sam E. Carter, Bell County (2 terms-1/26/77-2/1/77 and 1/31/77-1/31/79).

To be a Member of the Board Of Trustees, EMPLOYEES RETIREMENT SYSTEM OF TEXAS: George Hall Watkins, Travis County.

To be Members of the TEXAS HEALTH FACILITIES COMMISSION: The Honorable Melvin Rowland, Uvalde County; The Honorable Renal B. Rosson, Scurry County; P. Bolin Mahaffey, Nueces County (2 terms-6/12/75-2/1/77 and 2/2/77-2/1/83).

To be a Member of the TEXAS DEPARTMENT OF LABOR AND STANDARDS: Jackie W. St. Clair, Williamson County.

To be Branch Pilots for the PORT ARANSAS BAR, CORPUS CHRISTI BAY AND TRIBUTARIES: Captain Carl Joseph Bromley, Jr., Nueces, San Patricio, Aransas counties (reappointment); Captain Van Albert Court, Jr., Nueces County (reappointment); Daniel A. DuBose, San Patricio County; Robert Hans Jorgensen, Nueces County (reappointment); Captain Robert J. Haywood, Jr., San Patricio County (reappointment); Captain Frederick J. Herbert, Nueces County; Captain Anton Thomas Mathews, Nueces County (reappointment); Captain Billy Joe Robbins, Nueces County (reappointment); Captain Ollin Shepard, Nueces County (reappointment); Captain John O. Teller, Nueces County (reappointment); Captain John Robert DeForest, Aransas County (reappointment).

To be a Member of the STATE BOARD OF DENTAL EXAMINERS: Dr. M. James Moritz, Travis County.

Senator McKnight moved confirmation of Sidney E. McKinney, to be a Member of the Industrial Accident Board, reported favorably by the Committee on State Affairs, Sub-Committee on Nominations on February 3.

Mr. McKinney was then confirmed by the following vote: Yeas 30, Nays 0.

Absent-excused: Adams.

MOTION TO PLACE SENATE BILL 147 ON SECOND READING

Senator Traeger moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that **S.B. 147** be taken up for consideration at this time:

S.B. 147, A bill to be entitled An Act relating to activities which are permitted without a plumbing license; amending Section 2 by adding Subsection (g), and amending Section 3, Plumbing License Law of 1947 (Article 6243-101, Vernon's Texas Civil Statutes); and declaring an emergency.

On motion of Senator Traeger and by unanimous consent, the motion was withdrawn.

SENATE BILL 192 ON SECOND READING

Senator Ogg moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that **S.B. 192** be taken up for consideration at this time:

S.B. 192, A bill to be entitled An Act relating to the creation, administration, powers, and duties of the Office of Court Administration of the Texas Judicial System; providing for the promulgation of rules by the Supreme Court.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Patman.

Absent-excused: Adams.

The President laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

RECORD OF VOTE

Senator Patman asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 192 ON THIRD READING

Senator Ogg moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 192** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 1.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, Meier, Mengden, Ogg, Parker, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Patman.

Absent: Creighton, McKnight, Moore.

Absent-excused: Adams.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 2.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Doggett, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, Meier, Mengden, Ogg, Parker, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Farabee, Patman.

Absent: Creighton, McKnight, Moore.

Absent-excused: Adams.

MOTION TO PLACE SENATE BILL 189 ON SECOND READING

Senator Williams asked unanimous consent to suspend the regular order of business and Section 5 of Article III of the State Constitution to take up for consideration at this time:

S.B. 189, A bill to be entitled An Act relating to residency requirements for city employees.

There was objection.

Senator Williams then moved to suspend the regular order of business and Section 5 of Article III of the State Constitution and take up **S.B. 189** for consideration at this time.

The motion was lost by the following vote (Not receiving four-fifths vote of the Members of the Senate): Yeas 22, Nays 5.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Farabee, Hance, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Meier, Mengden, Ogg, Parker, Patman, Santiesteban, Schwartz, Traeger, Truan, Williams.

Nays: Doggett, Harris, Mauzy, Sherman, Snelson.

Absent: Creighton, McKnight, Moore.

Absent-excused: Adams.

HOUSE BILL ON FIRST READING

The following bill received from the House, was read the first time and referred to the Committee indicated:

H.B. 3, To Committee on Finance.

MEMORIAL RESOLUTIONS

S.R. 159 - by Brooks: Memorial resolution for James E. Ward.

S.R. 162 - by Brooks: Memorial resolution for Thomas Jefferson Baylor.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 158 - by Traeger: Extending welcome to Devine High School.

S.R. 161 - by Andujar: Extending congratulations to Paul Vane Greenwade, Jr.

S.R. 163 - by Schwartz: Extending congratulations to Coach Ray T. Sheppard of Galveston.

ADJOURNMENT

On motion of Senator Aikin the Senate at 11:42 o'clock a.m. adjourned until 10:30 o'clock a.m. Monday, February 14, 1977.

EIGHTEENTH DAY

(Monday, February 14, 1977)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Absent-excused: Longoria, Mauzy.

A quorum was announced present.